

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES M. SEBASTIAN, SR.

*

Plaintiff

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CIVIL ACTION NO. 02-3743

v.

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JAMES M. SEBASTIAN, JR.

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Defendant

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DEFENDANT'S MOTION TO COMPEL DISCOVERY AND FOR SANCTIONS

Defendant James M. Sebastian, Jr., by his undersigned counsel and pursuant to Fed. R. Civ. P. 37 and Local Rule 26.1, hereby moves the Court to compel Plaintiff to make required Fed. R. Civ. P. 26(a)(1) Initial Disclosures.

The grounds in support of this Motion are stated in the accompanying Certification of Good Faith Effort to Resolve Discovery Dispute. Additionally, Defendant notes that the parties are currently scheduled for Court-ordered Arbitration on October 22, 2002 in related case No. 02-3745. Defendant will be materially prejudiced in presenting its case at arbitration inasmuch as Defendant made all initial Fed. R. Civ. P. 26(a)(1) disclosures by August 15, 2002, and Plaintiff has yet to produce any discovery.

Respectfully submitted,

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Attorneys for Defendant James M. Sebastian, Jr.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of October, 2002, a copy of the foregoing Motion to Compel Discovery and for Sanctions was mailed, first-class postage prepaid, to:

Peter J. McHugh, Esquire
Brown, Mayhart, Martin & Schindler
128 Commons Court
Commons at Chadds Ford
P.O. Box 1539
Chadds Ford, PA 19317

Eric M. Veit

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ORDER

UPON CONSIDERATION of the Motion to Compel Discovery and for Sanctions against Plaintiff James M. Sebastian, Sr., filed herein by Defendant, and the grounds in support thereof, it is this ____ day of _____, 2002, by the United States District Court for the Eastern District of Pennsylvania, hereby

ORDERED that the Motion to Compel Discovery and for Sanctions against Plaintiff James M. Sebastian, Sr. BE, and the same hereby IS, GRANTED;

ORDERED that Plaintiff James M. Sebastian, Sr. BE, and the same hereby IS, DIRECTED TO make the required Initial Disclosures requested in the referenced Motion on or before October ____, 2002; and it is further

ORDERED that, Defendant BE, and the same hereby IS, DIRECTED TO file an itemized application for costs associated with the referenced Motion on or before October ____, 2002.

Judge
U.S. District Court
Eastern District of Pennsylvania